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**APPOINTMENT OF STANDBY OR SUCCESSOR GUARDIAN  
PROCEDURE WITH A HEARING**

WASHBURN COUNTY  
PROBATE OFFICE  
10 West 4<sup>th</sup> Avenue  
PO Box 339  
Shell Lake WI 54871  
PHONE: 715-468-4677  
FAX: 715-468-4678

HOURS:  
Monday – Friday  
8:00 a.m. – 4:30 p.m.

Email:  
Shannon.anderson@wicourts.gov

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**NOTE:** This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions. This Guideline is subject to change or amendments.

**APPOINTMENT OF STANDBY OR SUCCESSOR GUARDIAN**

A Standby Guardian is appointed by a court to assume duties if the present guardian dies, becomes incapacitated or resigns. A Successor Guardian is appointed by a court to replace a guardian who either has resigned, been removed or died. To petition the Court for appointment of a Standby or Successor Guardian, complete and file the following with the Register in Probate Office:

- GN – 3435 Petition for Appointment of Standby/Successor Guardian (With Hearing)
- GN – 3110 Proposed Order and Notice of Hearing
- GN – 3400 Resignation of Guardian or Conservator, if applicable
- GF – 131A Proposed Order Appointing Guardian ad Litem or Attorney\*
- GN – 3140 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian
- GN – 3135 Confirmation of Completion of Guardian Training Program

**\*A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE INCOMPETENT PERSON (WARD) TO REPRESENT THE BEST INTERESTS OF THE WARD** (Form GF-131). The Guardian ad Litem will be appointed by the Court. The Court will make a determination as to who will be responsible for these fees. The Guardian ad Litem will meet with the ward and proposed successor or stand by guardian and will make a recommendation to the court.

**HEARING AND NOTICE REQUIREMENT:** A hearing will be scheduled by the Probate Court and the Order and Notice of Hearing (GN-3110) will be signed and copy provided to petitioner. The Petitioner shall serve notice of the Petition for Standby or Successor Guardian and the Order and Notice of Hearing on the ward and all interested persons either in person or by mail at least 10 days prior to hearing. See Wis. Stat. 54.38(2)(a) and (b) for interested persons. It can be found at: <http://www.legis.state.wi.us/rsb/Statutes.html>.

**THE COURT HEARING:** Forms to have completed and with you at time of hearing:

- GN – 3120 Affidavit of Service
- GN – 3437 Order on Petition for Standby Successor Guardian Due to Incompetency
- GN – 3200 Letters of Guardianship of the Person (Successor Guardian only)
- GN – 3210 Letters of Guardianship of the Estate (Successor Guardian only)

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**CERTIFIED COPIES:** of Letters of Guardianship are available from the Register in Probate Office. The certification fee is \$3.00, plus \$1.00 for each page copied or certified.

**FORMS:** guardianship forms are available on the Wisconsin Court System website at [www.wicourts.gov](http://www.wicourts.gov) by clicking on “Forms”, “Circuit Court”, then “Guardianship”.

**ADDITIONAL RESOURCE:** Information concerning guardianships and questions you may have with regard to acting in this capacity may be obtained at the Coalition of Wisconsin Aging Groups website: [www.cwag.org/legal/guardian-support](http://www.cwag.org/legal/guardian-support).